

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mark LANDESMANN  
Title: BUYER-DRIVEN TARGETING OF PURCHASING ENTITIES  
Appl. No.: 09/888,439  
Filing Date: 06/26/2001  
Examiner: Khanh H. Le  
Art Unit: 2100

Commissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

**DECLARATION UNDER 37 C.F.R. §1.132**

I, Seth Godin, a citizen of the United States, residing at 1 Bellair Drive, Hastings on Hudson, NY 10706, declare and state that:

1. I obtained an MBA from Stanford University in 1984.
2. I was founder and CEO of Yoyodyne, widely considered to be the industry's leading interactive direct marketing company prior to its acquisition by Yahoo! in late 1998.
3. I am the author of four books that have been bestsellers around the world and which I believe have changed the way people think about marketing, change and work. Permission Marketing was an Amazon.com Top 100 bestseller for a year, a Fortune Best Business Book, and it spent four months on the Business Week bestseller list. Unleashing the Ideavirus is widely considered to be the most popular ebook ever written. More than 1,000,000 people downloaded the digital version of this book about how ideas spread. Featured In USA Today, The New York Times, The Industry Standard and Wired Online, Ideavirus hit #4 on the Amazon Japan bestseller list, and #5 in the USA. The Big Red Fez, was the #1 ebook (worldwide) on Amazon for almost a year before it was published in paperback in 2002. Survival is Not Enough has made bestseller lists in Germany, the UK and the United States. With a foreword by Charles Darwin, this breakthrough book redefines what change means to anyone who works for a living.

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4. I declare that I have read and understood the specification and drawings for application serial number 09/888,439 filed on June 26, 2001, titled "BUYER-DRIVEN TARGETING OF PURCHASING ENTITIES" and have read and understood claim 1, set out below.

5. I declare that I have reviewed and understood the following prior art references:

A US-6434534 08-2000

U Privacy fears raised by DoubleClick database plans by Courtney Macavinta, January 25, 2000, downloaded from <http://news.com.com/2100-1023-236092.html?tag=rn>, 8/8/20

V Privacy Activists File DoubleClick Complaint, by Keith Perine, the Industry Standard, Feb. 10, 2000

W Data Mining: Staking a Claim on Your Privacy, January 1998, downloaded from <http://www.ipc.on.ca/english/pubprocs/papers/datamine.htm>, 8/0/02

X Information technology and the privacy of the Individual, The Role of Privacy in Modern Society, by Dave Redell, Sep. 23, 1992 downloaded from <http://home.pacbell.net/wcbright/personal/acm.text>

U Permission Marketing by Seth Godin, Simon and Schuster, copyright 1999, chapter 10 (I am the author of this prior art reference.)

V Permission Marketing: the Way to make advertising work again (Interactive Marketing) (Chapter 2 from "Permission marketing: Turning Strangers into Friends and Friends into Customers") Dialog # 01777383, File # 570, by Hoke Communications Inc. (I am the author of this prior art reference.)

6. Reviewed Claim 1.

1. (Amended) A method for buyer-driven targeting by a system comprising:

receiving directly or indirectly from each of a plurality of buyer entities at least one respective third party purchase record or information verifiably derived therefrom, said purchase record or information verifiably derived therefrom comprising data associated with the purchase of products or services for which the payment was not carried out by the system;

storing information associated with said data;

for a plurality of product or service items offered for sale, wherein different items in said plurality of items are either manufactured or marketed or distributed or provided by different third party advertisers in a plurality of third party advertisers, and wherein said manufacture, marketing, distribution or provision is not carried out by the system in the ordinary course of business, making or helping make with respect to at least one of said buyer entities, based at least in part on said data, at least one discriminatory decision associated with the offering of at least one from among a plurality of different preferential contingent incentives, with each incentive associated with at least one of said items and associated with one of the third party advertisers, wherein there is at least one different preferential contingent incentive from each of a plurality of the different third party advertisers, each of said incentives offering at least one benefit in exchange for at least one action associated with a possible purchase of at least one of said items, each item associated with at least one of said third party advertisers, said benefit not normally and publicly accessible to said buyer entity or other buyer entities in the same geographic region on terms which are at least objectively equivalent, and which do not include material conditions that are different from said at least one action, said discriminatory decision regarding the at least one incentive that is to be offered to the buyer entity being based at least in part on stored data relating to purchases made by said buyer entity from merchants other than the third party advertiser that is associated with the incentive; and

offering or facilitating the offering of at least one of said preferential contingent incentives to said buyer entity, without transferring to said third party advertiser directly or indirectly any full name associated with said buyer entity at the time that the incentive is offered but has not yet been responded to by said buyer entity, with the condition precedent for this step that the system has received directly or indirectly from that buyer entity the at least one respective third party purchase record or information verifiably derived therefrom.

7. I declare the following:

- a. I consider the combination of the provision of purchase records from buyer entities --- including in particular the provision of purchase records by accessing online payment and merchant accounts, as described in the application --- with the provision of incentives to these buyer entites in the above mentioned invention in and of itself to be super-clever. This combination is clever indeed!
- b. I did not in any way contemplate the combination of the above elements when writing *Permission Marketing*, nor do I believe that I would have contemplated this full combination, even if someone had asked me to read the above cited references in addition to *Permission Marketing*.
- c. If I had contemplated the above combination, I believe I most probably would have written about it, and explored such a combination in my book.
- d. I consider it highly unlikely that the average marketer at a large brand company or retailer, who works on acquisition of new customers, would discover such a combination on his own, or even by reading the above mentioned prior art references.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 3/7/03

Respectfully submitted,

By: 

(FULL NAME)